

**MIDLAND CITY COUNCIL  
MINUTES  
July 24, 2018**

**BRIEFING SESSION**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on July 24, 2018.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Spencer Robnett (At-Large), Council Member Scott Dufford (At-Large), Council Member John B. Love III (District 2), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Council Members absent: Council Member Jeff Sparks (District 1).

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Finance Director Pam Simecka, General Services Director Fred Reyes, Chief Information Officer Willie Resto, City Engineer Matt Carr, Traffic Engineer Mike Pacelli, and Public Information Officer Elana Ladd.

Mayor Morales called the meeting to order at 9:32 a.m.

1. Discuss Union Pacific Railroad's recommendation of closure of the K Street Grade Crossing.

Traffic Engineer Mike Pacelli reported that staff did not initiate this item, but it was a recommendation from Union Pacific Railroad. Staff is here to see if Council is interested in moving forward.

The railroad has a crossing assessment program to determine if all crossings are safe, if they meet minimum standards, and to look for ways to increase safety. After reviewing all data, they develop a series of recommendations and get together with other agencies to offer recommendations and funding to help implement recommendations.

In January of 2017, the City received a number of recommendations such as adding signs and markings. Most of those recommendations have been implemented. They also recommended prohibiting truck traffic over all crossings. That recommendation was declined. Finally, they recommended closing the K Street crossing located between Garfield and G Street. The G Street crossing sees about 800 vehicles a day and the Garfield crossing sees about 21,000 vehicles a day. Staff felt there was some merit to considering their recommendation as they are offering to fund \$100,000 for that closure. Staff feels that they could negotiate for additional improvements to the Garfield crossing if Council has interest in exploring that option.

After brief discussion, consensus was received to have the conversation to see if the railroad is interested in further improvements at Garfield. If they are not interested in making additional improvements to Garfield, then the K street closure is not worth pursuing. Council suggested sending out a letter to area residents to obtain feedback.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:50 a.m.

**REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., July 24, 2018.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Spencer Robnett (At-Large), Council Member Scott Dufford (At-Large), Council Member John B. Love III (District 2), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Council Members absent: Council Member Jeff Sparks (District 1).

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, and Assistant City Manager Robert Patrick.

The Agenda Items were heard in the following order: 1-9, 11-25, 10, 26-44.

Mayor Morales called the meeting to order at 10:01 a.m.

**OPENING ITEMS**

- 1. Invocation - Reverend Roy Smith, True Lite Christian Fellowship
- 2. Pledge of Allegiance

**PRESENTATIONS**

- 3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to: None.

**CONSENT AGENDA**

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

- 4. Approved a motion approving the following minutes:
  - a. Regular Meeting of July 9, 2018
  - b. Regular Meeting of July 10, 2018
- 5. Approved a resolution appropriating the sum of \$525,000.00 to State Highway 349. (FINANCE)

RESOLUTION NO. 2018 - 254

RESOLUTION APPROPRIATING THE SUM OF \$525,000.00 FROM THE GENERAL FUND (001) UNAPPROPRIATED FUND BALANCE ACCOUNT (35650) TO THE HWY 349 FROM 250 LOOP TO MARTIN CO PROJECT (900234), SAID SUM HAVING BEEN CONTRIBUTED TO THE CITY BY THE MIDLAND DEVELOPMENT CORPORATION

6. Approved a resolution approving and authorizing changes to the City of Midland bank accounts. (FINANCE)

RESOLUTION NO. 2018 - 255

RESOLUTION AUTHORIZING NEW SIGNATORIES TO AND REMOVING CERTAIN SIGNATORIES FROM CITY OF MIDLAND BANK ACCOUNTS

7. Approved a resolution approving the sole source purchase of Intelight MaxView Management System software from Texas Highway Products, Ltd. of Round Rock, Texas for a total cost of \$122,250.00 for the Traffic Operations. (PURCHASING)

RESOLUTION NO. 2018 - 256

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF INTELIGHT MAXVIEW TRAFFIC MANAGEMENT SYSTEM SOFTWARE FOR THE TRAFFIC OPERATIONS DIVISION FROM TEXAS HIGHWAY PRODUCTS, LTD. OF ROUND ROCK, TEXAS, AT A TOTAL COST OF \$122,250.00; AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT THEREFOR; AND AUTHORIZING PAYMENT THEREFOR

8. Approved a resolution authorizing an intergovernmental cooperative purchasing agreement with National Intergovernmental Purchasing Alliance Company ("National IPA") for the Purchasing Division. (PURCHASING)

RESOLUTION NO. 2018 - 257

RESOLUTION AUTHORIZING THE EXECUTION OF A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT WITH NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE COMPANY; SAID AGREEMENT PROVIDING FOR THE CITY OF MIDLAND'S PARTICIPATION IN A PURCHASING COOPERATIVE IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE § 271.102

9. Approved a resolution awarding a contract to Consolidated Traffic Controls, Inc. for the purchase and installation of Opticom Traffic Control Equipment through the Houston-Galveston Area Council (H-GAC) for a total cost of \$829,091.50 for the Traffic Operations Division. (PURCHASING)

RESOLUTION NO. 2018 - 258

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH CONSOLIDATED TRAFFIC CONTROLS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL, FOR THE PURCHASE AND INSTALLATION OF OPTICOM TRAFFIC CONTROL EQUIPMENT AT A TOTAL COST NOT TO EXCEED \$829,091.50; AND AUTHORIZING PAYMENT THEREFOR

11. Approved a resolution authorizing the execution of an amendment to an economic development agreement between the Midland Development Corporation and the University of Texas of the Permian Basin for the purpose of facilitating the construction of a new engineering building to be located within the corporate limits of the City of Midland, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 259

RESOLUTION APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN

12. Approved a resolution authorizing a fourth amendment to the agreement between the Midland Development Corporation and Permian Basin Public Telecommunications, Inc. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 260

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PERMIAN BASIN PUBLIC TELECOMMUNICATIONS, INC.

13. Approved a resolution ratifying execution of Midland Development Corporation's purchase agreements for the purchase of certain real property described as Lots Five (5) and Six (6), Block Thirty-Five (35), Original Town of Midland, an addition to the City of Midland, Midland County, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 262

RESOLUTION APPROVING THE MIDLAND DEVELOPMENT CORPORATION'S PURCHASE OF CERTAIN REAL PROPERTY DESCRIBED AS LOTS FIVE (5) AND SIX (6), BLOCK THIRTY-FIVE (35), ORIGINAL TOWN OF MIDLAND, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

14. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Charger A #H110UH generally located 1,720 feet west of Rankin Highway and 620 feet north of Dayton Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 263

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 240 FEET FROM THE NORTH LINE AND 1,720 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,720 FEET WEST OF RANKIN HIGHWAY AND 620 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 265 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

15. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Charger A #H115WA generally located 2,050 feet west of Rankin Highway and 620 feet north of Dayton Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 264

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 240 FEET FROM THE NORTH LINE AND 2,050 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,050 FEET WEST OF RANKIN HIGHWAY AND 620 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 316 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

16. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Charger A #H120WB generally located 2,380 feet west of Rankin Highway and 620 feet north of Dayton Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 265

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 240 FEET FROM THE NORTH LINE AND 2,380 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,380 FEET WEST OF RANKIN HIGHWAY AND 620 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 263 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

17. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Mustang A #H145SS generally located 862 feet west of Rankin Highway and 620 feet north of Dayton Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 266

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 240 FEET FROM THE NORTH LINE AND 862 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 862 FEET WEST OF RANKIN HIGHWAY AND 620 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 254 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

18. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Mustang A #H145WA generally located 862 feet west of Rankin Highway and 590 feet north of Dayton Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 267

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 270 FEET FROM THE NORTH LINE AND 862 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 862 FEET WEST OF RANKIN HIGHWAY AND 590 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 227 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

19. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Mustang A #H150LS generally located 892 feet west of Rankin Highway and 590 feet north of Dayton Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 268

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 270 FEET FROM THE NORTH LINE AND 892 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 892 FEET WEST OF RANKIN HIGHWAY AND 590 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 226 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

20. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Mustang A #H150WB generally located 922 feet west of Rankin Highway and 590 feet north of Dayton Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 269

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 270 FEET FROM THE NORTH LINE AND 922 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 922 FEET WEST OF RANKIN HIGHWAY AND 590 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 255 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

21. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Mustang A #H155WA generally located 922 feet west of Rankin Highway and 620 feet north of Dayton Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 270

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 240 FEET FROM THE NORTH LINE AND 922 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 922 FEET WEST OF RANKIN HIGHWAY AND 620 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 255 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

22. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Mustang A #H160WB generally located 952 feet west of Rankin Highway and 590 feet north of Dayton Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 271

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 270 FEET FROM THE NORTH LINE AND 952 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 952 FEET WEST OF RANKIN HIGHWAY AND 590 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 228 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

23. Approved a resolution authorizing the execution of an amendment to the Right-of-Way License dated December 14, 2011, between the City of Midland and Vitol Midstream, LLC, now recognized as Sunoco Midland Terminal, LLC. (UTILITIES)

RESOLUTION NO. 2018 - 272

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SUNOCO MIDLAND TERMINAL LLC, SUCCESSOR-IN-INTEREST TO VITOL MIDSTREAM LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, T-1-S, T & P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

24. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Enterprise Crude Pipeline, LLC, located under Elkins Road, a City of Midland owned road, between Sections 40 & 41, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 273

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENTERPRISE CRUDE PIPELINE LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 40 AND 41, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

25. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Enterprise Crude Pipeline LLC, located under Elkins Road, a City of Midland owned road, between Sections 16 & 17, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 274

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENTERPRISE CRUDE PIPELINE LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 16 AND 17, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

The following item was pulled from Consent Agenda and considered individually.

10. Consider a resolution creating the Royalty Allocation Advisory Board and establishing duties, qualifications, terms of office, methods for filling vacancies, and related organizational matters. (CITY ATTORNEY'S OFFICE)

**RESOLUTION NO. 2018-259**

**RESOLUTION CREATING THE ROYALTY ALLOCATION ADVISORY BOARD AND ESTABLISHING DUTIES, QUALIFICATIONS, TERMS OF OFFICE, METHODS FOR FILLING VACANCIES, AND RELATED ORGANIZATIONAL MATTERS**

Council Member Robnett reported his intent of having this placed on the agenda was to have open discussion. The City receives various forms of revenue and this revenue could make an impact outside of normal revenue streams, excluding the airport. He would like to encourage structured conversation of how to spend tax dollars that will come in and the advisory board will make recommendations that will come back to Council for approval. Council Member Love clarified that royalty funds are not tax dollars.

Council Member Robnett moved to adopt Resolution No. 2018 – 259. The motion died for lack of a second.

**SECOND READINGS**

26. Consider an ordinance on second reading on a request by Warren CAT for the annexation of a 43.97-acre tract of land generally located on the east side of South FM 1788, approximately 187 feet north of West County Road 127. (DEVELOPMENT SERVICES) (First reading held July 10, 2018.)

**ORDINANCE NO. 9789**

**AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 43.97-ACRE TRACT OF LAND OUT OF THE EAST HALF OF SECTION 18, BLOCK 40, T-1-S, AND A 6.66-ACRE TRACT OF LAND OUT OF EAST HALF OF SECTION 18 AND THE SOUTHWEST QUARTER OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH FM 1788, APPROXIMATELY 187 FEET NORTH OF WEST COUNTY ROAD 127); APPROVING A PUBLIC SERVICE PLAN; AND ORDERING PUBLICATION**

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9789.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9789 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

27. Consider an ordinance on second reading on a request by Bush Tennis Center/Opportunity Park, for the annexation of a 3.31-acre tract of land generally located on the north side of Briarwood Avenue, approximately 2,460 feet west of Holiday Hill Road. (DEVELOPMENT SERVICES) (First reading held July 10, 2018.)



ORDINANCE NO. 9790

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 3.31-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 2,460 FEET WEST OF HOLIDAY HILL ROAD); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9790.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9790 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

**PUBLIC HEARINGS**

28. Hold a public hearing and consider a request by Brandon Easterling for a Zone Change from a LR-2, Local Retail District and MF-1, Multiple Family Dwelling District, to PD, Planned District for a Housing Development generally located on the northeast corner of Mockingbird Lane and Big Spring Street. (DEVELOPMENT SERVICES) (Deferred from July 10, 2018 Meeting)

ORDINANCE NO. 9788

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 15, BLOCK 2, AND LOT 1, BLOCK 3, ADOBE MEADOWS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, IN PART, AND MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF MOCKINGBIRD LANE AND BIG SPRING STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9788.

Downtown Development Coordinator Cristina Odenborg gave a brief overview of the item noting it is for the development of an apartment complex with 300 units with a density of 21 units/acre. They have amenities including a club house, pool, and an 8-foot fence screening it from adjacent single-family homes. Three letters of objection have been received and staff recommends approval subject to conditions.

Questions were asked about density and water pressure with staff noting that water pressure would be addressed as part of the building permit process. Council Member Love noted that he would like the applicant present at the second meeting to address affordable housing concessions that they may be willing to make as a concession for allowing higher density.

Mayor Morales opened the public hearing at 10:17 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9788 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

29. Hold a public hearing and consider an ordinance on a request by Winkelmann & Associates Inc., for a Zone Change from PD, Planned District for an Office Center to LR-3, Local Retail District generally located on the southwest corner of the intersection of West Wadley Avenue and North Main Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9791

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 6, BARBERDALE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH MAIN STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9791.

Downtown Development Coordinator Cristina Odenborg gave a brief overview of the item noting it is for a zone change for the development of a Jiffy Lube. One letter of objection has been received and staff recommends approval.

Mayor Morales opened the public hearing at 10:21 a.m.

Michael Doggett, Dallas, was asked about their desire for a curb cut on Main Street. Mr. Doggett responded that after their meeting they were asked to explore the option of a curb cut for a development on the hard corner. They have no objection to one curb cut on Main Street and they will continue the screen wall along the south and turn to the north. The fence will be a 6-foot wood fence that will increase to 8 feet.

There being no one else wishing to speak, the public hearing was closed at 10:23 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9791 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

30. Hold a public hearing and consider a request by John Gannon, Inc., for a Specific Use Permit with Term for a Billboard on a 115-acre tract of land generally located at the southwest corner of the intersection of West County Road 100 and South Farm to Market Road 1788. This is a public hearing only. (DEVELOPMENT SERVICES)

Downtown Development Coordinator Cristina Odenborg gave a brief overview of the item noting this is the first of two applications for billboards for a property located at 2000 Farm to Market Road 1788. The billboard will be double-sided and 300 square feet with a height of 30 feet. It meets all requirements, is not in the special control area, exceeds the separation distance, and meets the required setback. The applicant provided a letter from FAA stating it is not a hazard to air navigation. No letters of objection have been received and staff recommends approval subject to conditions.

Council Member Hotchkiss noted that the intent of a billboard is to get people's attention instead of focusing on the road. She has concern regarding distracted driving and the amount of wrecks in this area and felt that billboards lead to distracted driving.

Mayor Morales opened the public hearing at 10:28 a.m.

Wendy Ocasta, Katy, Texas, noted that billboards are a sensitive topic in most cities. In conjunction with the City's efforts to beautify the City and attract new people and business to the area, the airport seemed like a logical place for a billboard. Nearly everything in the area will be commercial or industrial. This will provide maximum exposure to a wide range of audiences such as weekly commuters and decision makers coming into town from the airport. An electronic sign minimizes the number of poles and there will be eight ads on each side reducing the number of billboards needed.

There being no one else wishing to speak, the public hearing was closed at 10:31 a.m.

31. Hold a public hearing and consider a request by John Gannon, Inc., for a specific use permit with term for an electronic billboard on the north portion of a 115-acre tract of land generally located at the southwest corner of the intersection of West County Road 100 and South Farm to Market Road 1788. This is a public hearing only. (DEVELOPMENT SERVICES)

Downtown Development Coordinator Cristina Odenborg gave a brief overview of the item noting this is the applicant's second request for an electronic billboard that will be double sided and 300 square feet. It meets all requirements, is not in the special control area and meets the separation distance requirement. The applicant has provided a letter from the FAA that it is not a hazard to air navigation. Planning & Zoning denied the request and it is on appeal. No letters of objection have been received and staff recommends approval subject to conditions A-D.

Mayor Morales opened the public hearing at 10:34 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

32. Hold a public hearing and consider a resolution on a request by Doug Van Zandt for approval of a temporary land use permit for a 9/11 memorial event generally located southeast of the intersection of N. Big Spring Street and W. Wall Street. (Planning Admin)

RESOLUTION NO. 2018 - 275

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MEMORIAL EVENT ON A 15,570-SQUARE FOOT PORTION OF BLOCK 64 AND A 0.56-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 56 AND 64, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION

OF NORTH BIG SPRING STREET AND WEST WALL STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Downtown Development Coordinator Cristina Odenborg gave a brief overview of the item noting the applicant is requesting a temporary land use permit for a memorial stair climb and concert. The street will be re-opened by Monday at 5:00 a.m. They will have the sale of alcohol and two peace officers on duty. No letters of objection were received, and staff recommends approval subject to conditions A-K.

Mayor Morales opened the public hearing at 10:36 a.m.

Eric Stewart, President of the Professional Firefighters, reported that last year's event had about 300 people. It started with a concert the night before the stair climb and this year they are doing the stair climb followed by the concert. They are honoring 411 first responders who died in 9/11.

There being no one else wishing to speak, the public hearing was closed at 10:38 a.m.

Council Member Love moved to adopt Resolution No. 2018 - 275; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

33. Hold a public hearing and consider an ordinance on a request by Joval, LLC for a zone change from a LR-2, Local Retail District, to an LI, Light Industrial District generally located on the north side of State Highway 191, approximately 2,400 feet west of North County Road 1275. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9792

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 1, WEST 191 INDUSTRIAL PARK, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRY DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 2,400 FEET WEST OF NORTH COUNTY ROAD 1275); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Mayor Morales read the caption of Ordinance No. 9792.

Downtown Development Coordinator Cristina Odenborg gave a brief overview of the item noting the applicant is wishing to construct a warehouse to store material that is currently being stored outside. They are also adding new parking. No letters of objection have been received and staff recommends approval.

Council Member Love asked how this was not spot zoning. Ms. Odenborg reported that they are changing the zoning back to a use it previously held. City Attorney John Ohnemiller reported that the legal standard for spot zoning is a smaller tract that doesn't fit within the comprehensive plan within that area. The second test is to ask, "Was the Council's decision to change the zoning arbitrary and capricious?". He noted that the Court will look at the basis for reasons of why an area was zoned.

Mayor Morales opened the public hearing at 10:43 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9792 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

34. Hold a public hearing and consider a resolution on a request by St. Ann's Catholic Church for a Temporary Land Use Permit for a church fair and carnival generally located southeast of the intersection of W. Illinois Avenue and O Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 276

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FAIR AND CARNIVAL ON LOT 13, BLOCK 71, WEST END ADDITION, SECTION 15, LOTS 1 THROUGH 3, BLOCK 77, LOTS 2 THROUGH 6, BLOCK 78, WEST END ADDITION, AND A 0.65-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY LOCATED BETWEEN NORTH N STREET AND NORTH M STREET, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST ILLINOIS AVENUE AND NORTH O STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Downtown Development Coordinator Cristina Odenborg gave a brief overview of the item noting this was for an annual church family fair. They will close a portion of Texas between M and N Streets for safe pedestrian crossing. The carnival will operate Thursday, September 27 from 6:30 p.m. to 10:30 p.m., Friday, September 28 from 6:00 p.m. to 12:30 a.m., Saturday, September 29 from 10:00 a.m. to 12:30 a.m. and Sunday from 1:00 p.m. to 6:00 p.m. There will be adequate peace officers and restrooms. No letters of objection have been received and staff recommends approval subject to conditions A-M.

Mayor Morales opened the public hearing at 10:45 a.m.

Maye DeAnda, 4509 Gleneagles Drive, reported this will be their 70<sup>th</sup> year. She thanked Council for their support noting they are moving the carnival across street because it no longer fits on the school grounds. This fair raises money for the school every year.

There being no one else wishing to speak, the public hearing was closed at 10:47 a.m.

Council Member Love moved to adopt Resolution No. 2018 - 276; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

35. Hold a public hearing and consider a resolution on a request by Lamesa Road Church of Christ for a Temporary Land Use Permit for a church tent meeting generally located on the west side of N. Lamesa Road, approximately 600 feet north of E. Wadley Avenue. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 277

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH TENT MEETING ON LOT 4, BLOCK 4, TANGLEWOOD ADDITION, SECTION 3, CITY

AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LAMESA ROAD, APPROXIMATELY 600 FEET NORTH OF EAST WADLEY AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Downtown Development Coordinator Cristina Odenborg gave a brief overview of the item noting this was for a church tent meeting October 25 through 27 from 6:30 p.m. to 9:00 p.m. They will not be selling alcohol and will have adequate restrooms for public use. No letters of objection were received and staff recommends approval subject to conditions A-H.

Mayor Morales opened the public hearing at 10:49 a.m.

Daryl Loudd, 1200 E. Pecan, reported he was privileged to host all of the Churches of Christ in Midland to help people of all churches stay focused, not give up, and to help the City the best way they can. They plan to use local preachers of all races and will have bilingual services to include everybody. Council Member Love asked if there would be adequate parking. Mr. Loudd reported they had permission to use the gymnasium facility next door and parking across the street.

There being no one else wishing to speak, the public hearing was closed at 10:52 a.m.

Council Member Love moved to adopt Resolution No. 2018 - 277; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

36. Hold a public hearing and consider an ordinance on a request by Velma Jackson for the vacation of the 0.13-acre portion of alley right-of-way, generally located approximately 180 feet west of Mineola Street between E. Industrial Avenue and E. Wall Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9793

AN ORDINANCE VACATING AND ABANDONING A 0.13-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 48, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 180 FEET WEST OF MINEOLA STREET, BETWEEN EAST INDUSTRIAL AVENUE AND EAST WALL STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$11,030.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9793.

Downtown Development Coordinator Cristina Odenborg reported the applicant wished to pull this item as they are not interested in proceeding.

37. Hold a public hearing and consider a resolution on a request by Jesus Name Holiness Church for a Temporary Land Use Permit for a church tent meeting generally located southwest of the intersection of East Washington Avenue and South Lamesa Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 278

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH TENT MEETING ON LOTS 1 THROUGH 4, BLOCK 125, SOUTHERN ADDITION, CITY

AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EAST WASHINGTON AVENUE AND SOUTH LAMESA ROAD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Downtown Development Coordinator Cristina Odenborg gave a brief overview of the item noting this is a temporary land use permit for a church tent meeting July 30 through August 3 from 6:00 p.m. to 9:00 p.m. each day. They will have live music and two restrooms available. No alcohol is proposed, one letter of objection was received, and staff recommends approval subject to conditions A-G.

Mayor Morales opened the public hearing at 10:54 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2018 - 278; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

38. Hold a public hearing and consider a resolution on a request for a Temporary Land Use Permit for a barbecue competition generally located southwest of the intersection of East Scharbauer Drive and North Tyler Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 279

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A BARBECUE COMPETITION ON LOTS 3 THROUGH 7, BLOCK 2, LYNSIDE NEIGHBORHOOD, AND LOT 1, BLOCK 10, LYNSIDE NEIGHBORHOOD, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EAST SCHARBAUER DRIVE AND NORTH TYLER STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Downtown Development Coordinator Cristina Odenborg gave a brief overview of the item noting it is for a temporary land use permit for the Knights of Columbus barbecue competition to be held August 25 from 8:00 a.m. to midnight. They will set up August 24 beginning at 6:00 p.m. and they will allow the competitors to remain on site overnight to cook. There will be light entertainment, a car show, light music, and the sale of alcohol is not proposed. No letters of objection have been received and staff recommends approval subject to conditions A-I.

Mayor Morales opened the public hearing at 10:56 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2018 - 279; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

39. Hold a public hearing and consider an ordinance on a request by Furniture Row USA LLC for a Zone Change from a PD, Planned District for a Shopping Center, to LR-2, Local Retail District, generally located on the northwest corner of Whitman Drive and Loop 250 North. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9794

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.60-ACRE TRACT OF LAND OUT OF SECTION 4, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WHITMAN DRIVE AND LOOP 250 NORTH); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9794.

Downtown Development Coordinator Cristina Odenborg gave a brief overview of the item noting it is for a zone change for development of retail. They are in the process of platting. No letters of objection have been received and staff recommends approval.

Mayor Morales opened the public hearing at 10:58 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9794 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

Mayor Morales asked staff to ensure that the applicant is present at the next meeting.

40. Hold a public hearing and consider an ordinance on a request on by Bush Tennis Center/Opportunity Park, for the initial zoning of a 3.31-acre tract of land generally located on the north side of Briarwood Avenue, approximately 2,460 feet west of Holiday Hill Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9795

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 3.31-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A PD, PLANNED DISTRICT FOR A RECREATION CENTER; SAID TRACT BEING GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 2,460 FEET WEST OF HOLIDAY HILL ROAD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9795.

Downtown Development Coordinator Cristina Odenborg gave a brief overview of the item noting this is the initial zoning for the Chris Davidson Opportunity Park. They have provided a site plan, no letters of objection have been received and staff recommends approval subject to the conditions.

Mayor Morales opened the public hearing at 11:02 a.m.



Steve Davidson, Irving, reported that Midland was his home for over 40 years. He expressed his appreciation to the Council and the community for the generous outpouring of financial support. They raised just over \$3 million for construction and they are ready to move forward. He and his wife are grateful and glad that they can give something back to Midland while honoring the legacy of Chris.

There being no one else wishing to speak, the public hearing was closed at 11:05 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9795 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

41. Hold a public hearing and consider an annexation of a 15.83-acre tract generally located on the northeast corner of the intersection of North County Road 1247 and West State Highway 158. This is a public hearing only. (DEVELOPMENT SERVICES)

Downtown Development Coordinator Cristina Odenborg gave a brief overview of the item noting this is for annexation of property that will be developed as multi-family housing. This is the second public hearing of the process.

Mayor Morales opened the public hearing at 11:06 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

## **MISCELLANEOUS**

42. Consider a motion making appointments to various boards and commissions.

Ramona Thomas of PermianCare, previously known as Midland Community Centers for MHMR reported that the City of Midland appoints two of the nine board members for their organization. One of the City's appointments has resigned since she is moving out of the area, and they recommend appointing Mark Dettman.

Council Member Hotchkiss moved to appoint Mark Dettman to the Permian Basin Community Centers Board; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

## **PUBLIC COMMENT**

43. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

Randall Henson, 4500 Mockingbird, reported an issue at the landfill noting that other area dumps are no longer accepting pull-offs which is putting a big strain on the landfill at Midland with long lines. Now they are shutting down 1 ½ hours early which has reduced his production by 50%. He is upset that he has to wait in line but his competition can go around the line. He noted that you have to have a special tag to get

around but it only works on certain vehicles but the City of Midland was able to fix that for their own trucks. Mayor Morales explained that due to TCEQ regulations the City had to shut down early and that he would follow-up on this issue.

Greg Wells, 1409 West County Road 150, provides roll offs for local contractors for new construction, demo, or clean up. Everything was smooth sailing at the landfill up until 2-3 months ago when the economy started picking up. He reported there is a solution to this problem noting his revenue has been cut by 45%. He can normally run 8-10 loads but now only gets 3-4 loads due to the long lines. He is willing to pay for a permit since his truck does not require equipment to off load. He is trying to keep Midland clean and it's hard to make a living when you are stuck waiting in line all day long.

Doug Gressett, 3407 Northfield, is a trash hauler and echoes the comments of the previous speakers. He said offering RFID tags is one solution and having longer hours is another solution.

Steven Sie, El Paso, is a student at the University of El Paso on an internship with transportation. He has been trying to help people out in the City by starting a food drive and to offer a program to transport lower income people. The current ordinance for taxis sets the maximum rate they can charge per mile at \$2.60 and asked for the City Ordinance to be changed.

Colvin Domingo, reported he has a solution to solve Midland's water problem by limiting water to one gallon per person per day for drinking water and to not mix water sources. Mayor Morales asked Mr. Domingo to send him an email with his plan.

## **EXECUTIVE SESSION**

44. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
  - a. Section 551.072 Deliberation Regarding Real Property.
    - a.1. Discuss the purchase, exchange lease or value of real property described as Lot 1, Block A1, Johnson and Moran Addition, and Lots 5 and 6, Block 2, University Park Addition, City and County of Midland, Texas.

Mayor Morales recessed the meeting to Executive Session at 11:26 a.m.

All of the business at hand having been completed, the meeting adjourned at 12:20 p.m.

PASSED AND APPROVED the 14th day of August, 2018.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary